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10/587,117

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EXAMINER

VILLECCO, JOHN M

ART UNIT

PAPER NUMBER

2622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,117	<b>Applicant(s)</b> SENDA, AYUMI	
	<b>Examiner</b> JOHN M. VILLECCO	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed August 6, 2009 regarding claim 1 have been fully considered but they are not persuasive.
2. Regarding claims 1 and 8, applicant argues that in Endo a power supply detection circuit (60) is in the cradle (50) and thus not included in the image pickup device, as claimed. However, since the preamble does not refer to the limitations of the claim nor is it necessary to give meaning to the claim, the preamble was not given patentable weight. See *Pitney Bowes Inc v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Also see MPEP §2111.03.
3. Furthermore, even if the preamble language of the claim was given patentable weight the examiner maintains that Endo can still be read on the claim language. In particular, the entire device of Endo including the camera (10) and cradle (50) can be called the image pickup device, since the claim language does not limit the physical structure of the device. Furthermore, the claimed external record device (interpreted by the Examiner as the cradle, 50) can be interpreted as being external since is it external to the camera itself, and there are no claim limitations limiting the external device to being external to claimed image pickup device. Thus, the claimed external recording device can be interpreted as being external to the camera.
4. Additionally, applicant argues that Endo does not "appear to disclose or suggest transferring image data recorded in a recording medium of an image pickup device to an external

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record device 'in response to detection by the connection detection means of [the image pickup device] of the connection to the external record device' as required by claim 1". The Examiner respectfully disagrees. Endo discloses the ability to detection a connection of the image pickup device to the cradle (50). Transfer can only occur when connection of the image pickup device to the cradle is detected. Thus, in response to that detection the image data can be transferred.

The claim language does not require an automatic transfer or an instantaneous transfer of the image data to the cradle upon the detection. It only requires that the transfer processing means transfer the image data to the external record device in response to detection. Thus, since Endo discloses only transferring image data upon the detection of a connection, it is the Examiner's position that Endo reads on the claim language. This argument also applies to claims 9 and 12.

5. In addition, if applicant maintains that the connection detection means is located in the image pickup device (camera, 100) of applicant's invention, a 112, 2<sup>nd</sup> paragraph rejection will have to be considered in the next office action in accordance with the following arguments regarding the 112, 2<sup>nd</sup> paragraph rejection of claim 8.

6. Regarding the 112, 2<sup>nd</sup> paragraph rejection of claim 8, in which the claim recites a first and second connection detection means, applicant has pointed out portions of the specification that support applicant's claim language of a first and second connection detection means.

However, it is noted that these sections make it clear that the first and second connection detection means are the same thing – namely the connection detection section (501) which corresponds to the power detection circuit (203), which is clearly located in the cradle. See page 64, lines 1-3 and page 64, line 24 to page 65, line 1. Although, the specification does state that there is a first and second detection means, the specification clearly states that they are both the

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power detection circuit (203), which is clearly located in the cradle. See Figure 1. Thus, the Examiner maintains that the claim language of a first and second connection detection means, fails to particularly point out and distinctly claim the subject matter that the applicant regards as their invention.

7. Applicant's arguments with respect to the rejections of claims 10 and 13 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Aizawa (U.S. Patent No. 6,832,275).

### ***Specification***

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 8 recites the limitations of a "first connection detecting means" and a "second connection detection means". However, after a review of the specification, it is clear that applicant's invention only claims one connection detection means —power detection circuit,

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203. Applicant has pointed out portions of the specification that support applicant's claim language of a first and second connection detection means. However, it is noted that these sections make it clear that the first and second connection detection means are the same thing – namely the connection detection section (501) which corresponds to the power detection circuit (203), which is clearly located in the cradle. See page 64, lines 1-3 and page 64, line 24 to page 65, line 1. Although, the specification does state that there is a first and second detection means, the specification clearly states that they are both the power detection circuit (203), which is clearly located in the cradle. See Figure 1. Thus, applicant has failed to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For examination purposes it will be assumed that there is only one connection detection means.

12. Claim 9 recites the limitation "the first image" in lines 16 and 21 and the first image data in lines 13 and 18. There is insufficient antecedent basis for this limitation in the claim.

However, applicant has previously claimed "the image" and "the image data". It is not clear if the first image and the first image data are the same thing as the previously claimed image and image data, respectively.

### ***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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**14. Claims 1, 2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo (U.S. Publ. No. 2002/0051639).**

15. Regarding *claim 1*, Endo discloses a camera connected to a cradle in which images stored in the camera can be transferred to the cradle for backup. More specifically and as it relates to the applicant's claims, Endo discloses an image pickup means (image pickup, 14) for picking up an image; control means (CPU, 20) for permitting image data, corresponding to the image picked up by the image pickup means (image pickup, 14) to be recorded in a given record medium (flash memory, 34) or a given external record device (cradle, 50); connection means (power supply connector, 52, and data connector, 54) for connection to the external record device (cradle, 50); connection detecting means (power supply detection circuit, 60) for detecting a connection to the external record device (cradle, 50) through the connection means; and transfer processing means (control, 64) controlled by the control means (CPU, 20) for transferring the image data, recorded in the record medium (flash memory, 34) to the external record device when the connection detection means detects the connection to the external record device. See paragraphs 0056 and 0064 and 0074. Endo discloses the ability to detection a connection of the image pickup device to the cradle (50). Transfer can only occur when connection of the image pickup device to the cradle is detected. Thus, in response to that detection the image data can be transferred.

16. As for *claim 2*, Endo discloses that the image data in the flash memory (34), which was captured by the image pickup means, is recorded to the external record device (cradle, 50) when the camera is connected to the external record device (cradle, 50).

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17. With regard to *claim 8*, Endo discloses a camera connected to a cradle in which images stored in the camera can be transferred to the cradle for backup. More specifically and as it relates to the applicant's claims, Endo discloses an image pickup means (image pickup, 14) for picking up an image; control means (CPU, 20) for permitting image data, corresponding to the image picked up by the image pickup means (image pickup, 14) to be recorded in a given record medium (flash memory, 34) or a given external record device (cradle, 50); connection means (power supply connector, 52a, and data connector, 54a) for connection to the external record device (cradle, 50); connection detecting means (power supply detection circuit, 60) for detecting a connection to the external record device (cradle, 50) through the connection means; and transfer processing means (system bus, 44) controlled by the control means (CPU, 20) for transferring the image data, recorded in the record medium (flash memory, 34) to the external record device when the connection detection means detects the connection to the external record device. Additionally, Endo discloses a connection means (power supply connector, 52b, and data connector, 54b) connectable to an image pickup device (camera); and a saving means (backup HDD, 62) for saving the image data read out by the readout means. See paragraphs 0056 and 0064 and 0074.

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



19. **Claims 3, 4, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo (U.S. Publ. No. 2002/0051639) in view of Terane (U.S. Publ. No. 2003/0076440) and further in view of Nanba (U.S. Patent No. 6,297,870).**

20. Regarding *claim 3*, as mentioned above in the discussion of claim 1, Endo discloses all of the limitations of the parent claim. Endo, however, fails to explicitly disclose judgment means for making judgment depending on a size of the image data and an available memory of the record medium whether or not the record medium is able to store the image data; wherein the control means allows the image data to be saved in the record medium or to be transferred to the external record device through the transfer processing means depending on a judgment result of the judgment means. This feature implies that the camera is capable of capturing an image when placed in the cradle. Terane discloses that it is well known in the art to allow a camera to capture an image when place in a cradle. See Figure 7 and paragraphs 0117-0123. Such a feature would allow for the capture of an image while the camera is charging. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the camera of Endo to capture an image while it is positioned in the cradle.

Furthermore, Nanba, on the other hand, discloses that it is well known to store an image to external memory if there is not enough internal memory to store it. More specifically, Nanba discloses a camera (1) connectable to an external storage device (computer, 1000). When it is judged that the memory card of the camera can not hold a captured image, an image is transferred to the PC (1000) for storage. See Figures 6A and 6B and column 7, line 32 to column 8, line 23. Therefore, it would have been obvious to one of ordinary skill in the art to store an image into external memory if there is not enough memory in the internal memory in the

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camera of Endo so that the image capturing operation can be successfully carried out. See column 10, lines 1-10.

21. As for *claim 4*, Nanba discloses that if there is sufficient memory in the recording medium (memory card, 8) then the image is stored in the memory card, not the computer (1000). See Figures 6A and 6B.

22. *Claim 9* is considered a method claim corresponding to claim 4. Please see the discussion of claim 4 above.

23. *Claim 12* is considered a computer program claim corresponding to claim 4. Please see the discussion of claim 4 above.

24. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo (U.S. Publ. No. 2002/0051639) in view of Aizawa (U.S. Patent No. 6,832,275).**

25. Regarding *claim 6*, Endo discloses a camera connected to a cradle in which images stored in the camera can be transferred to the cradle for backup. More specifically and as it relates to the applicant's claims, Endo discloses a connection means (power supply connector, 52, and data connector, 54) connectable to an image pickup device (camera); a connection detecting means (power supply detection circuit, 60) for detecting that the image pickup device is connected by the connection means (paragraph 0056); a readout means (CPU, 20) for reading out image data, picked up by the image pickup device, through the connection means (data connector, 54) when the connection detecting means (power supply detection circuit, 60) detects that the image pickup device is connected (paragraph 0074); and a saving means (backup HDD, 62) for saving the image data read out by the readout means.

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Endo, however, fails to specifically disclose that the readout means of Endo reads out image data based on the status of an image data recording capability of a recording medium of the image pickup device. Aizawa, on the other, hand discloses a camera connected to a computer which records images to the computer when the memory of the camera is full. More specifically, Aizawa discloses that if it is detected that the camera (100) is attached to the computer (101) using the recording state detector (105) and there is no free space left in memory (103 or 104), the image data is transferred to the computer (101). Such an operation allows for the capture of image without losing data. Therefore, it would have been obvious to one of ordinary skill in the art to transfer the images from Endo to the cradle of Endo based upon a status of an image data recording capability of a recording medium of the image pickup device so that image data can still be captured when the internal camera memory is full. See column 6, lines 7-55.

**26. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endo (U.S. Publ. No. 2002/0051639) in view of Aizawa (U.S. Patent No. 6,832,275) and further in view of Fujimoto (Japanese Publ. No. 06-022259 A).**

27. Regarding *claim 7*, as mentioned above in the discussion of claim 6, Endo and Aizawa discloses all of the limitations of the parent claim. Additionally, Endo discloses that the saving means is a hard disk device (HDD, 62; paragraph 0056). Endo, however, fails to specifically disclose a speed control means for decreasing a rotational speed of a platter forming the hard disk device when a voice is recorded under a condition in which the image pickup device is connected. Fujimoto, on the other hand, discloses that it is well known in the art to decrease the

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rotational speed of a platter when recording voice. More specifically, Fujimoto discloses a speed control means (revolution control circuit, 110) for lowering the rotational speed of a platter (video floppy disk, 112) when a voice is recorded. Fujimoto discloses that this is done so that the number of picked up recording sheets is not reduced. See the abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reduce the rotational speed of the platter of the hard disk device in Endo when recording voice so that the number of recording sheets is not reduced.

**28. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayanuma (U.S. Patent No. 7,167,206) in view of Aizawa (U.S. Patent No. 6,832,275).**

29. Regarding *claim 10*, Kayanuma discloses a camera cradle which transfers images to the cradle. More specifically and as it relates to the applicant's claims. Kayanuma discloses a method for an image pickup system having an image pickup device (10) and an external record device (cradle, 100) comprising the steps of detecting whether or not the image pickup device (10) is connected to the external record device (100) (wherein the control circuit of the cradle automatically detects the connection; see col. 9, line 62 to column 10, line 2); transferring image data from a given recording medium (memory, 48) of the image pickup device (10) to the external record device (100) when the image pickup device is connected to the external record device (col. 9, line 62 to col. 10, line 2).

Kayanuma, however, fails to specifically disclose the claimed steps of detecting an overflow. Aizawa, on the other hand, discloses an invention in which if the memory of a camera is full, image data is transferred to a PC. More specifically and as it relates to the applicant's

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claims, Aizawa discloses when a connection detector (106) detects connection of a camera to a PC and a release switch is activated, the free space of a memory card is checked (S404); if overflow of the memory card is detected in the previous step, the captured image is recorded in the PC (S406); if no overflow of the memory card is detected, the captured image is recorded memory card (S405). See Figure 4. This allows captured image data to be saved even if the memory card is full. See column 7, lines 25-35. Therefore, it would have been obvious to one of ordinary skill in the art when capturing an image using the camera on the cradle of Kayanuma to allow the device to automatically transfer image data directly to the cradle if the memory of the camera is full and to save it in the memory if not.

30. Claim 13 is considered a computer program claim corresponding to claim 10. Please see the discussion of claim 10 above.

### *Allowable Subject Matter*

31. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the control means is operative such that under a situation where the image pickup device is connected to the external record device through the connection means when the image data is recorded in the recording medium under a given file name, other image data related to the image data is recorded in the external record

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device under another file name for consolidation to the image data recorded under the given file name.

32. Claims 11 and 14 are allowed.

33. The following is an examiner's statement of reasons for allowance:

Regarding claim 11 and 14, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a step of detecting whether or not the image pickup device is connected to the hard disk device, a step of detecting that the image pickup device has a voice input, and a step of recording the image data upon decreasing a platter rotational speed of the hard disk device if the image pickup device is connected to the hard disk device and the image pickup device has the voice input when the image pickup is commanded.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. VILLECCO whose telephone number is (571)272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/JOHN M. VILLECCO/

Primary Examiner, Art Unit 2622

November 10, 2009